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12-8-03

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Kiyoshi TOYODA

Group Art Unit: 2143

Appl. No : 09/522,600

Examiner: April Baugh

Filed : March 10, 2000

For : APPARATUS AND METHOD FOR TRANSMITTING AND RECEIVING
FOR IMAGE

RECORD AND SUMMARY OF INTERVIEW

RECEIVED

Commissioner For Patents
P.O. Box 1450
Alexandria, VA 22313-1450

SEP 29 2003
Technology Center 2100

Sir:

In further response to the outstanding Official Action dated June 4, 2003, for which a full Response was filed on September 4, 2003, Applicant wishes to make of record a telephone interview conducted between Applicant's undersigned representative and Examiner April Baugh on September 9, 2003.

During the above-noted interview, Applicant's undersigned representative pointed out significant features of the references and compared the same to the recitations of Applicant's claims. Applicant's representative pointed out the shortcomings and deficiencies of the referenced disclosures with respect to the claimed features. At the conclusion of the interview, no agreement was reached. However, a constructive and positively toned

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interview was conducted and Applicant's representative respectfully thanks the Examiner for her cooperation and for clearly setting forth her views on the rejection.

In the above-noted interview, Applicant's undersigned representative also asserted that the finality of the outstanding Official Action is premature and inappropriate. The Examiner responded that due to the amendment of the claims to include the term "changeable" in referring to the IP address, the propriety of the final rejection was appropriate. Applicant wishes to note that while the Examiner is obligated only to respond to the actual claim, the Examiner could have "reasonably expected" that the IP address would be amended to a changeable IP address because in the absence of the IP address being changeable, Applicant's invention has very little value. The purpose of Applicant's invention is to deal with the situation where the IP address is changeable. Accordingly, Applicant maintains, based upon MPEP § 706.07(a), third paragraph, the position that the finality of the outstanding Official Action is premature.

Applicant notes the receipt of an Interview Summary from the Examiner dated September 11, 2003. In the Interview Summary, the Examiner pointed out the position taken by herself as well as by Applicant's representative during the above-noted interview with accuracy and clarity. Applicant's undersigned representative respectfully thanks the Examiner for the completion of the record as represented by the above-noted Interview Summary Form. There is no significant benefit to be gained by restating the arguments made

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by the various parties in view of the fact that the Examiner has accurately and distinctly set forth those arguments.

Nevertheless, a brief summary is appropriate in compliance with MPEP § 1713.04. Thus, Applicant again asserts that there is no reason to modify the non-changeable ID of TOYOTA et al. by the teachings of REED et al. and then using IDEHARA to disclose (according to the Examiner) a CPU that judges the route and not the user.

In addition, Applicant respectfully submits that IDEHARA, contrary to the Examiner's position in the Official Action and during the above-noted interview, does not disclose the features for which the Examiner relied thereupon. In particular, in the outstanding Official Action, at the bottom paragraph of page 3, the Examiner asserted that IDEHARA teaches direct transmission in a first mode and indirect transmission in a second mode. Applicant respectfully submits that IDEHARA relates to and requires manual input to change the route of the transmission. During the above-noted interview, the Examiner took the position that IDEHARA taught automatic route selection based upon Fig. 16 as set forth in column 9. The Examiner pointed out that the flowchart of Fig. 16 shows document data transfer process implemented by the CPU of the fax 2 and the network shown in Fig. 8. Based on the above, the Examiner asserted that the route selection of IDEHARA is controlled by the CPU and does not require manual operator input.

Applicant respectfully submits that the Examiner is incorrect and for this additional reason submits that the Examiner's proposed combination is inappropriate and inadequate to render any of the claims in the present application unpatentable over the combination of TOYOTA et al., IDEHARA and REED et al. Applicant respectfully submits that Fig. 16 does not relate to route selection at all. The Examiner's attention in this regard is respectfully directed to column 6, the paragraph starting on line 44 wherein IDEHARA explicitly sets forth that a dialog box includes a communication route selection mode key 104. Further, IDEHARA discloses that by clicking the key 104 with a mouse device, the user enters the mode for selecting a communication route between the sending equipment and the receiving equipment. Thus, it is quite clear that route selection is not based upon an IP address being obtained by the processor or not being obtained by the processor as recited, e.g., in claim 1, but is based on a decision and input by the user.

Further, in the paragraph bridging columns 6 and 7, IDEHARA explicitly discloses that the "user selects a communication route by sequentially clicking the mouse device while pointing a line or a facility located between the sending equipment A and the receiving equipment B". Thereafter (at column 7, lines 6-9), IDEHARA discloses that next the CPU merely implements the processes carried out by the manual selection.

Thus, it is abundantly clear that Fig. 16 relates to the implementation of the processes that are manually selected. Fig. 16 does not relate to selection by a CPU but merely relates

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to implementation of a manually selected route by the CPU. In fact Fig. 16, based upon a prior manual selection of the route, merely determines whether the data must be converted to a format which can be processed by the receiving equipment or whether it does not require such conversion. Thus, the destination decision block P62 does not relate to the route of the data transmission but rather to the need for data conversion, based upon a manually selected route. Accordingly, IDEHARA does not contain the teaching for which the Examiner relies thereupon. Accordingly, for this additional reason, it is respectfully submitted that the combination asserted by the Examiner is inappropriate and inadequate to render unpatentable the claims in the present application.

At the conclusion of the above-noted interview, the Examiner indicated that she would contact Applicant's undersigned representative upon receipt of the Reply under 37 C.F.R. § 1.116 filed in the present application on September 4, 2003. Applicant's undersigned representative appreciates the above indication and looks forward to discussing the shortcomings of the combination of references with the Examiner.

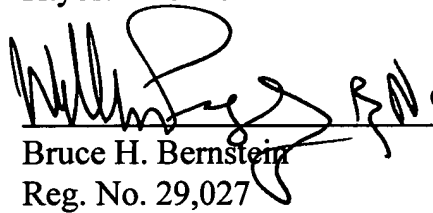
In view of the Response set forth in the above-noted Reply of September 4, 2003 and further in view of the herein contained comments regarding the deficiencies of the reference combination, Applicant respectfully requests reconsideration and withdrawal of the outstanding rejections together with entry of the amendment and an indication of the

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allowability of all the claims pending in the present application, in due course. Such action is respectfully requested and is now believed to be appropriate and proper.

Should the Examiner have any questions or comments, the Examiner is respectfully requested to contact the undersigned at the below-listed telephone number.

Respectfully submitted,
Kiyoshi TOYODA


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September 25, 2003
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